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6

7 **UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

8 Robert Lancaster, individually, Case No. 2:20-cv-00794-GMN-EJY

9 Plaintiff,

10 vs.

11 SAMSUNG ELECTRONICS AMERICA,  
INC.; SAMSUNG ELECTRONICS, CO.  
12 LTD. DOES 1-20 and ROE BUSINESS  
ENTITIES 1-20, inclusive,

13 Defendants.

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15 **STIPULATION AND ORDER TO EXTEND  
SCHEDULING ORDER DEADLINES [ECF NOS. 13, 16]**  
16 (Second Request to Extend Pre-Trial Deadlines)

17 Pursuant to Local Rules IA 6-1, IA 6-2, 7-1, 26-1, and 26-3, plaintiff Robert Lancaster and  
18 defendant Samsung Electronics America, Inc. hereby stipulate and agree to extend the Rule 26(a)(2)  
19 Rebuttal Disclosures deadline to August 2, 2021. This is the second stipulation to extend this  
20 deadline. (*See* ECF Nos. 13, 16.) The extension is necessary to accommodate the experts' limited  
21 availability in preparing a rebuttal report for disclosure by the deadlines set forth in the controlling  
22 scheduling order.

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1      **A. Discovery Completed to Date**

2      The parties held the Rule 26(f) conference on March 4, 2021 and submitted the stipulated  
3      discovery plan and proposed scheduling order on March 12, 2021. This Court approved the  
4      discovery plan on March 12, 2021. Since then, the parties completed the following discovery:

- 5      1. Plaintiff has served his initial disclosures, including supplements.
- 6      2. Defendant has served its initial disclosures, including supplement.
- 7      3. Defendant has served its first set of interrogatories and requests for production to  
8           Plaintiff.
- 9      4. Plaintiff has served his responses to Defendant's first set of interrogatories and requests  
10        for production.
- 11     5. Defendant has completed an inspection of the phone and battery at issue in this case.
- 12     6. Defendant has taken Plaintiff's deposition.
- 13     7. Plaintiff has served his Rule 26(a)(2) Initial Disclosures.
- 14     8. Defendant has served its Rule 26(a)(2) Initial Disclosures.

15     **B. DISCOVERY THAT REMAINS TO BE COMPLETED**

16     The parties expect that they may need to conduct some or all of the following discovery if  
17     they are unable to reach a mutually agreeable settlement:

- 18     1. Possible follow-up written discovery;
- 19     2. Service of rebuttal expert disclosures;
- 20     3. Documents subpoena to third-parties; and
- 21     4. Deposition of parties, third-parties, and experts.

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1      **C.    REASONS WHY THE REMAINING DISCOVERY WAS NOT COMPLETED**  
2      **WITHIN THE TIME LIMITS**

3                 The extension is necessary to allow the parties' experts additional time to prepare a rebuttal  
4          report for disclosure. For example, Defendant's expert has limited availability close to the July 4,  
5          2021 holidays and has indicated he needs a few additional weeks to review Plaintiff's expert report  
6          and complete his rebuttal report. Because the current deadlines do not allow the parties to serve their  
7          rebuttal expert disclosures in time, an extension of the deadlines is warranted. The mutual benefit of  
8          the short extension applies to all parties.

9      **D.    PROPOSED DISCOVERY SCHEDULE**

10               Pursuant to LR 26-4, the parties propose to extend the Rule 26(a)(2) Rebuttal Disclosures to  
11          August 2, 2021:

	<b>Original Deadline</b>	<b>Proposed Extended Deadline</b>
Discovery Cut-Off Date	August 18, 2021	UNCHANGED
Amending Pleadings or Adding Parties	May 20, 2021	UNCHANGED
Rule 26(a)(2) Initial Disclosures	June 19, 2021	UNCHANGED
Rule 26(a)(2) Rebuttal Disclosures	July 16, 2021 or 30 days after the initial disclosure of experts	August 2, 2021
Dispositive Motions	September 17, 2021	UNCHANGED
Pre-Trial Order	September 17, 2021 or 30 days after the decision on any dispositive motions (whichever is later)	UNCHANGED

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Dated: June 30, 2021  
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HICKS & BRAISER, PLLC  
4

/s/*Alison Braiser*

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7 *Attorneys for Plaintiff*

Dated: June 30, 2021

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/s/*I-Che Lai*

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8 *Samsung Electronics America, Inc.*

9 IT IS SO ORDERED.  
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*Elyna J. Zouchah*  
11 UNITED STATES MAGISTRATE JUDGE

12 DATED: July 2, 2021

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